

REMARKS

A. The Section 112 Rejections

Claims 8, 16 and 25 were rejected under 35 U.S.C. § 112, second paragraph, the Examiner objecting to the Applicants use of the word “substantially”. Applicants respectfully disagree and traverse these rejections for at least the following reasons.

The CCPA and Federal Circuit have specifically held that the use of the word “substantially” does not render claims indefinite. See, for example, MPEP §2173.05 (b)D, *In re Mattison*, 509 F.2d 563 (CCPA 1975) and *Andrew Corp. v. Gabriel Electronics*, 847 F.2d 819 (Fed. Cir. 1988).

In addition, the Applicants submit that one of ordinary skill in the art would understand the meaning of preventing the transmission of beacon messages “substantially simultaneously” in these claims because the transmission of beacon messages, in general, is well understood in the art.

Further, one of ordinary skill is presumed to have an understanding of the English-language such that he/she could easily understand what the word “substantially” meant without resort to the specification.

Nonetheless, to expedite the substantive examination of the claims the Applicants have removed the term “substantially”.

Accordingly, Applicants respectfully request withdrawal of the rejections and allowance of claims 8, 16 and 25.

B. The Section 102 Rejections

Applicants thank the Examiner for withdrawing these rejections.

C. The Section 103 Rejections

Claims 1-25 were rejected under 35 U.S.C. § 103(a) as being anticipated by U.S. Patent Application Publication No. 2005/0169222 to Ayyagari (“Ayyagari”) in view of U.S. Patent Application Publication No. 2006/0039281 to Benveniste (“Benveniste”). Applicants respectfully disagree and traverse these rejections for at least the following reasons.

Of the rejected claims, claims 1, 9 and 18 are independent. It is to these claims that the Applicants now turn their attention, it being understood that the same rationales apply to the remainder of the claims that depend on claims 1, 9 or 18, respectively.

Claims 1, 9 and 18 each include the feature of assigning one or more slots, of a divided CFP, to an identified access point based on the number of users associated with the access point and to maximize a lower bound of a slot-to-user ratio, among other features.

In contrast, Ayyagari does not disclose or suggest such assignments. In the Office Action the Examiner refers the Applicants to paragraph [0049] of Ayyagari as supposedly disclosing this feature. However, no such feature is

disclosed therein. Rather, this paragraph appears to discuss the division of a Beacon region, not a CFP, into slots.

Accordingly, because Ayyagari does not disclose or suggest the assignment of one or more slots of a divided CFP to an identified access point based on the number of users associated with the access point and to maximize a lower bound of a slot-to-user ratio, and because Benveniste does not make up for the deficiencies of Ayyagari, the Applicants respectfully submit that the subject matter of claims 1-25 would not have been obvious to one skilled in the art at the time the present application was filed upon reading the disclosures of Ayyagari and Benveniste. Accordingly, Applicants respectfully request withdrawal of the rejections and allowance of claims 1, 5-9, 13-18 and 22-25.

Should there be any other outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John E. Curtin at the telephone number listed below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 50-3777 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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